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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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I. LIONEL SELZER,

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Plaintiff,

No. C 09-04426 JSW

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v.

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INDYMAC MORTGAGE SERVICES, et al.,

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Defendants.

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**ORDER REGARDING
PLAINTIFF'S *EX PARTE*
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER**

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On October 16, 2009 at 4:37 p.m., after the Court had closed, Plaintiff filed an *ex parte* application to extend a temporary restraining order ("TRO") issued by the state court before this matter was removed, or, to issue a new TRO. Plaintiff believes that without Court action, Defendants will conduct a non-judicial foreclosure sale of Plaintiff's property by 3:00 p.m. today, October 19, 2009. The Court admonishes Plaintiff for waiting so long to seek an extension or move for a TRO. By delaying filing his request until the last possible moment, Plaintiff risks that the Court will not be able to address the merits of this dispute before the scheduled non-judicial foreclosure sale. Nevertheless, the Court will attempt to address this matter on the merits if possible.

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Therefore, the Court ORDERS Defendants to file a response to Plaintiff's request by no later than 1:00 p.m. today and to provide a copy directly to chambers by 1:30 p.m. today. In their response, Defendants shall address when they intend to conduct a non-judicial foreclosure

1 sale and whether Plaintiff meets the standard required for a TRO under federal rules of civil
2 procedure.

3 **IT IS SO ORDERED.**

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5 Dated: October 19, 2009

Jeffrey S. White
6 JEFFREY S. WHITE
7 UNITED STATES DISTRICT JUDGE
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